

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated June 4, 2004, indicated that claims 1-2 and 5 are rejected under 35 U.S.C. § 103(a) over *Whitesides et al.* (U.S. Patent No. 5,900,160) in view of *Biebuyck et al.* (U.S. Patent No. 5,817,242) and as evidenced by *Hawkins et al.* (U.S. Patent No. 5,201,987); claim 3 is rejected under 35 U.S.C. § 103(a) over *Whitesides et al.* in view of *Biebuyck et al.* and as evidenced by *Hawkins et al.* and further in view of *Maracas et al.* (U.S. Patent No. 5,937,758); claims 6 and 11-13 are rejected under 35 U.S.C. § 103(a) over *Whitesides et al.* in view of *Biebuyck et al.*; claim 7 is rejected under 35 U.S.C. § 103(a) over *Whitesides et al.* in view of *Biebuyck et al.* as applied to claim 6 and further in view of *Whitesides et al.* (Article Soft Lithography Agnew. Chem. Int. Ed. 1998, Vol. 37 pages 551-575); and claim 14 is rejected under 35 U.S.C. § 103(a) over *Whitesides et al.* in view of *Biebuyck et al.* and further in view of *Choquette et al.* (U.S. Patent No. 6,245,412).

Applicant respectfully traverses each of the Section 103(a) rejections because the Office Action fails to present any evidence in the cited references to modify the '160 reference as asserted. With respect to independent claim 1, the Office Action fails to identify any teachings in the '160 reference that would indicate a need for recesses of significantly different sizes, as claimed. There is no evidence that the '160 teachings recognize any problem calling for the need to have such different sized recesses or that the '160 teachings recognize any advantages to having different sized recesses. Therefore, no evidence has been presented of any motivation to modify the '160 reference to include the different sized recesses, as claimed.

With respect to independent claim 6, the Section 103(a) rejection is improper because the proposed modification of the '160 reference would frustrate the purpose and operation of the '160 reference. The MPEP states that when a proposed modification would render the teachings being modified unsatisfactory for their intended purpose, then there is no suggestion or motivation to make the proposed modification under 35 U.S.C. § 103(a). See MPEP § 2143.01. The '160 reference is directed to creating a convenient, inexpensive, and reproducible method of etching a surface by way of an anisotropic

etching process. The Office Action suggests using the anisotropic etching of the '160 teachings to create the different sized apertures of the '242 reference without identifying how the '160 etching would create the '242 different sized apertures. The Office Action further alleges that anisotropically etching larger exposed areas would create a deeper triangular etch than an etch of a smaller area without identifying any support for such statement. Applicant submits that using the '160 anisotropic etch to create the '242 different sized apertures would not be possible and would complicate and add further expense to the etching process in direct contrast to the stated objectives of the '160 teachings. Further, Applicant fails to recognize how anisotropically etching a larger exposed area would create a deeper triangular etch than an etch of a smaller area. To suggest modifying the '160 reference in such an unsupported manner is untenable and Applicant requests that the Section 103(a) rejection be withdrawn.

As each of the rejections relies upon the above-discussed modifications of the '160 reference with the '242 reference, Applicant submits that each of the Section 103(a) rejections are improper because the Office Action fails to present the requisite motivation for combining the cited references in the manners asserted. Applicant requests that each of the rejections be withdrawn.

Moreover, with particular respect to claims 1-3 and 5, the Office Action fails to present a combination of references that corresponds to the claimed invention. The Office Action acknowledges that the '160 reference fails to teach a stamp body having a Young modulus greater than 10^6 N/m^2 . In an attempt to overcome this deficiency, the Office Action cites the '242 reference as teaching one layer of a stamp having a Young modulus of 10^4 - 10^7 dynes/cm^2 or 10^3 - 10^6 N/m^2 . The upper limit of the modulus range taught by the '242 reference fails to correspond to the claimed limitation of "greater than 10^6 N/m^2 ". Thus, the cited combination of references fails to correspond to the claimed invention and the Section 103(a) rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance.

Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Mr. Peter Zawilski, of Philips Corporation at (408) 474-9063.

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